

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 29. STRUCTURAL PEST CONTROL COMMISSION**

(Authority: A.R.S. § 32-2301 et seq.)

**ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS***Article 1, consisting of Sections R4-29-101 through R4-29-107, adopted effective December 24, 1992 (Supp. 92-4).**Article 1, consisting of Sections R4-29-01 through R4-29-06, repealed effective December 24, 1992 (Supp. 92-4).*

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## Section

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## ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

### R4-29-101. Definitions

Words defined in A.R.S. § 32-2301 or 32-2331 have the same meaning when used in this Chapter, and unless the context requires otherwise:

1. "Advertisement" means a written or oral publication, dissemination, solicitation or circulation, including business cards and telephone directory display advertisements, which is intended to directly or indirectly induce a person to enter into an agreement for pest control services.
2. "Advisor" means pest control advisor.
3. "Certified applicator" means a "structural commercial applicator", "commercial applicator", or "applicator".
4. "Commercial applicator" means a "structural commercial applicator", "certified applicator", or "applicator".
5. "Commercial establishment" means an area or site, other than an institutional establishment, where business activities occur.
6. "Company" means the person or company who holds a business license as defined in A.R.S. § 32-2301.
7. "Contract" means an agreement with a customer, including a warranty or guarantee concerning service or the results thereof, pertaining to the application of a pesticide or pest management procedure to the customer's property.
8. "Control" means exterminating, eradicating, injuring, destroying, killing, repelling, sterilizing, or removing, or a combination of these activities.
9. "Crack and crevice treatment" means the application of pesticide directly into a crack, crevice, expansion joint, between different elements of construction, between equipment and floors, or into an opening that leads into voids such as hollow walls, equipment legs and bases, conduits, motor housings, or junction or switch boxes, where pests may be present.
10. "Entire structure" means all critical areas as defined in R4-29-410 and as specified on product labeling for both the interior and exterior of the structure.
11. "Fog or fogging" means aerosolized particles of a pesticide dispersed by means of a flammable, aerosolizing thermal or other generator capable of producing particles of less than ten microns in diameter.
12. "Food-handling establishment" means a place, other than a private residence, in which food is held, processed, prepared, or served.
  - a. Food areas of food-handling establishments include areas of receiving, serving, storage, packaging, preparing, edible waste storage, and closed processing systems.
  - b. Nonfood areas of food-handling establishments include garbage rooms, lavatories, floor drains, entrances and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage after canning or bottling.
13. "Fumigant" means a chemical substance having a vapor pressure of greater than five millimeters of mercury at 25 degrees Centigrade which is used for the destruction of plant or animal life.
14. "Fumigation" means the use of fumigants for the control of pests.
15. "Incidental" means the limited application of pesticides in conjunction with projects involving a contractual relationship for the development or maintenance of a property. When a commercial application of pesticides on a property is the only or predominant maintenance service performed throughout the contract period, such application is not considered incidental.
16. "Institutional establishment" means a property or facility that functions to provide a service to the general public or private organizations.
17. "Label" means the written, printed or graphic matter approved by the United States Environmental Protection Agency on, or attached to, a pesticide container or its wrappers or on or attached to a device.
18. "Labeling" means all labels and all other written, printed, or graphic matter authorized by the manufacturer or a state or federal agency that accompanies a pesticide or device, or is referred to on the label or in literature accompanying the pesticide or device, except where that reference is to current official publications of federal or state agencies, institutions, or agencies authorized by law to conduct research in the field of pesticides.
19. "Manner inconsistent with the label" means the use of a pesticide in a manner not permitted by the labeling. Uses of a pesticide as listed in paragraphs (a), (b), and (c) below are exempt from this definition unless the U.S. Environmental Protection Agency or the pesticide manufacturer has indicated, by means of written statements issued prior to treatment, that such use would not be permitted, or advisable, or would be deleterious to persons, animals or the environment. Exempted uses are the use of a pesticide that will eliminate or control a pest:
  - a. At a dosage, concentration, or frequency less than specified on the labeling;
  - b. For a target pest not identified on the labeling as long as the application site is specified and the labeling does not prohibit the use; or
  - c. By a method of application not prohibited by the labeling.
20. "Post-treatment" means the application of chemicals for the control of termites and other wood-destroying organisms in existing structures.
21. "Pretreatment" means the application of a termiticide for subterranean termite control prior to the establishment of a permanent slab foundation construction or in conjunction with the establishment of footings and supports for a raised foundation construction.
22. "Structural commercial applicator" means a "commercial applicator", "certified applicator", or "applicator".

### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

### R4-29-102. Classification of Structural Pest Control

For the purpose of this Chapter, the practice of structural pest control shall be classified as follows:

1. Class A shall include the classifications B, C, D, E, and F.
2. Class B shall be limited to the control of general terrestrial vertebrate and invertebrate pests which live in or about households and other structures but shall not include the control of wood-destroying organisms and pests of turf and ornamental horticulture.
3. Class C shall be limited to the control of wood-destroying pests or organisms which occur in, on or about structures.
4. Class D shall be limited to the use of fumigants as a method of structural pest control.
5. Class E shall be limited to the control of terrestrial weeds around structures or in connection with an area used by persons for purposes other than as an agricultural area.
6. Class F shall be limited to the control of vertebrate and invertebrate pests and diseases of plants, and the use of plant growth regulators on general ornamental horticulture.

tural plantings including turf intended for use by persons for purposes other than as an agricultural area.

7. Class G shall limit the scope of an established classification to advising or making recommendations or inspection reports concerning the control of pests or control methods. The holder of a class G license shall not perform treatments.
8. Class H shall be limited to the application of pesticides directly to structural components of wood or wood products, which are not then part of an existing structure normally habitable by persons, to prevent or control wood degradation by wood-destroying organisms which shall include fungi and bacteria.
9. Class I shall be limited to the use of pesticides and plant growth regulators in golf course management.
10. Class J shall be limited to the use of pesticides in an aquatic area which is used or is intended for use by persons for purposes other than as an agricultural area. Sub-classifications may include control of vertebrate pests, invertebrate pests, and weeds in the aquatic environment.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-103. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-104. Joint Responsibility

Each company, qualifying party, advisor, applicator and registered employee is responsible for the acts or omissions of, and for compliance with the law, this Chapter and other lawful orders of the Commission by, persons under their supervision.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-105. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-106. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-107. Complaints

- A. The qualifying party, pest control advisor or designated agent of a licensed company or other person against whom a complaint is logged, by or with the Commission, shall respond in writing and within 20 days of the date of notification by the Commission.
- B. Health-related complaints received by the Commission, or Commission investigations that reveal a potential health concern, shall be referred to the Department of Health Services or other appropriate health-related agency and, as required, to the United States Environmental Protection Agency.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-108. Licensing Time-frames

- A. Overall time-frame. The Commission shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of an application. The overall time-frame is the total of the number of days provided in the administrative completeness review and the substantive review.
- B. Administrative completeness review.
  1. The applicable administrative completeness review time-frame established in Table 1 begins on the date the Commission receives an application. The Commission shall notify the applicant in writing within the administrative completeness review time-frame whether the application is incomplete. The notice shall specify what information is missing. If the Commission does not provide notice to the applicant within the administrative completeness review time-frame, the Commission shall deem the application complete.
  2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the postmark date of the notice of missing information to the applicant until the date the Commission receives the information.
  3. If an applicant fails to submit the missing information before expiration of the completion request period, the Commission shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may apply for a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 begins after the application is administratively complete or at the end of the administrative completeness review period in Table 1, whichever occurs first.
  1. If the Commission makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the postmark date of the request until the Commission receives the information. If the applicant fails to provide the information identified in the written request within the additional information time period in Table 1, the Commission shall consider the application withdrawn unless the applicant requests in writing the application be denied.
  2. The Commission shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Commission shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

#### Historical Note

Adopted effective December 2, 1998 (Supp. 98-4).

**Table 1. Time-frames (Calendar Days)**

License	Authorities	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Applicator Certificate New/Renewal/Temporary	A.R.S. § 32-2332 A.R.S. § 32-2312 R4-29-203 R4-29-202	7	6 mos.	60	14	67
Business License New Renewal	A.R.S. § 32-2313 R4-29-206 R4-29-202	7 7	7 14	60 5	14 14	67 12
Qualifying Party New Renewal Temporary	A.R.S. § 32-2332 A.R.S. § 32-2314 R4-29-208 R4-29-202	7 7 7	6 mos. 6 mos. 7	60 14 60	14 14 14	67 21 67
Registered Employee	A.R.S. § 32-2315	14	14	60	14	74

**Historical Note**

Table 1 adopted effective December 2, 1998 (Supp. 98-4).

**ARTICLE 2. LICENSURE, QUALIFICATION, CERTIFICATION, AND REGISTRATION****R4-29-201. General Provisions**

- A.** Persons who merely furnish information concerning general labeling and usage of a registered pesticide and do not make onsite recommendations for pest control shall not be deemed as holding themselves out as licensees or advisors for the purpose of this Chapter.
- B.** Lack of good moral character and reputation may be established by showing that a person has committed an act which, if committed by a licensee, qualifying party, applicator or registered employee of a pest control company, would be grounds for taking disciplinary action against the license, qualification, certification or registration of that individual.
- C.** Person who, while holding a valid license, qualification, or certification of this Commission, entered the active military service of the United States of America and who, within 100 days of honorable separation from such service, make application to the Commission for renewal of license, qualification, or certification, shall have their application processed as a timely renewal of such license, qualification, or certification.
- D.** A business license, qualifying party qualification, pest control advisor license, applicator certificate or employee registration shall not be assigned or transferred and shall be used only by the person or business to whom it was issued. A change in partnership, either by withdrawal or addition of partners, requires a new license and registrations.
- E.** Applications for licensure, qualification, certification and registration and renewals thereof and applications for all examinations shall be made on forms furnished by the Commission, completed in accordance with the instructions printed thereon, and accompanied by the fee set forth in R4-29-211.
- F.** Examinees shall be notified by letter from the Commission of the results of their examination.
- G.** Application forms provided by the Commission for licensure, qualification, certification and registration and renewals thereof shall require at least:
  1. For an original business license: The proposed name of the business, whether the business is a sole proprietor-

ship, partnership or corporation; the full names and home addresses of the owner if a sole proprietorship, of all partners if a partnership, and of the president, secretary and statutory agent if a corporation; the full name and address of the qualifying party who will be responsible for the business license, the classification or classifications for which the license is applied, and proof of financial responsibility pursuant to A.R.S. § 32-2312 et seq.

2. For an original qualifying party or pest control advisor license: The full name, home address, date of birth and social security of the applicant; whether or not a license or permit to practice pest control has ever been refused, revoked or suspended; whether or not the applicant has ever been convicted of a felony, the nature of the felony, the jurisdiction where the offense occurred and final disposition of the conviction.
3. For certification: The full name, home address, and date of birth of the applicant, the categories for which certification is applied, the name of the applicant's present employer, whether or not the applicant has ever been convicted of a felony, the nature of the felony, the jurisdiction where the offense occurred, and final disposition of the conviction.
4. For renewal of a business, qualifying party, or advisor license: Notice of any change of address, name of qualifying party if a business license applicant, verification of continuing education if a qualifying party or advisor.
5. For an original registration: Full name and home address of the registering employee, name of business registering the employee, whether or not the employee has ever been convicted of a felony, the nature of the felony, the jurisdiction where the offense occurred, and final disposition of the conviction.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-202. Renewals of Licenses, Qualifications, Certifications and Registrations**

- A.** The Commission shall mail renewal forms to a licensee or qualifying party at the place of business and to a certified

applicator or inactive qualifying party at the location listed on the application or on the most recent address-change form. Renewals shall not be considered complete until all prescribed requirements are met. Renewal fees paid by check shall not be considered paid until cleared for payment by the bank.

- B. Licensees shall be responsible for timely renewal of their license and employee and office registrations. Qualifying parties shall be responsible for timely renewal of their qualification. Applicators shall be responsible for the timely renewal of their certification. Incomplete and inaccurately completed forms shall be rejected. Neither the need for additional time to accurately complete renewal forms nor failure to receive renewal forms shall be a justifiable excuse for late renewal of a license, qualification, certification, or registration without a late fee or other penalty.
- C. Between the expiration date of a license, qualification, certification, or registration and the date of renewal, all rights under that license, qualification, certification, or registration shall terminate. Until renewed, the licensee, qualifying party, applicator, or registered employee shall not act in a manner included in the definition of a business licensee, qualifying party, pest control advisor, structural commercial applicator, or registered employee.
- D. A late payment fee of double the prescribed renewal fee shall be assessed for a license, qualification, certification or registration renewal which is not renewed pursuant to A.R.S. § 32-2312(D), 32-2313(H), or 32-2318(E), or is postmarked later than the date of expiration of such credential.
- E. In addition to all other renewal requirements, the Commission shall require a qualifying party, pest control advisor or applicator who applies to renew later than 60 days past the expiration date of his license, qualification, or certificate, first to pass examinations currently applicable to an applicant for qualifying party, advisor or applicator in the classifications or categories of the renewed credential.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-203. Structural Commercial Applicator Certification

- A. Except as permitted by A.R.S. § 32-2315, a person shall act as a structural commercial applicator only after completing all certification requirements and receiving a valid commercial applicator certificate issued by the Commission.
- B. The Commission may notify the employer of a registered employee failing to satisfy certification requirements.
- C. For purposes of this Chapter, certifications for commercial applicators, structural commercial applicators, or applicators shall be considered synonymous with commercial certifications for applicators of restricted-use pesticides as prescribed by the U.S. Environmental Protection Agency.
- D. In order to qualify for certification, an applicant shall demonstrate knowledge of the principles and practices of pest control and safe use of pesticides. An applicator shall attain a minimum score of 70 percent on each section of the general standards examination and a minimum of 70 percent on each section in each specific category or subcategory in which the applicator seeks certification. All examinations shall be administered in writing and in English. A certification card shall be issued after an applicant passes all sections of the general standards examination and all sections of at least one category or subcategory examination.
  - 1. The general standards examination shall test the knowledge and understanding of:
    - a. Pesticide label and labeling and pesticide types and formulations.
    - b. Safety factors relating to the use and handling of pesticides.
    - c. Environmental factors including the potential consequences of use and misuse of a pesticide.
    - d. Equipment types and their use and maintenance.
    - e. Application techniques, including calibration and dilution calculations.
    - f. Laws and regulations relating to the application and use of pesticides.
    - g. Identification of pests.
- 2. The categories and subcategories offered for structural commercial applicator certification shall be:
  - a. Turf and ornamental pest control, including the use of plant growth regulators, necessary for the maintenance and production of ornamental and horticultural plants and turf.
  - b. Aquatic pest control including the application of pesticides to standing or running water, but excluding applicators who must be certified in the category of public health pest control.
  - c. Industrial, institutional, structural, and health-related pest control, including the use of pesticides in or around structures and adjacent areas, both public and private, and for the protection of stored, processed or manufactured products. Certification in this category shall be attained by satisfying the requirements of one or more subcategories:
    - i. General pest control in and about structures, including control of vertebrate pests, but excluding wood-destroying pests and organisms and control of plants or plant pests and use of plant growth regulators.
    - ii. Control of termites and other wood-destroying pests and organisms.
    - iii. Wood products preservation, including the use of pesticides to directly treat wood and wood products, to control or prevent wood degradation by wood-destroying organisms.
    - iv. Control of pests using fumigation as a method of structural pest control.
    - v. Weed control.
- 3. Four or more examination sections shall be required for each category. The category examination shall test the knowledge and understanding of the following applicable category-specific information:
  - a. General information concerning pests in the category.
  - b. Pest identification.
  - c. Pesticide usage and application techniques including calibration and dilution calculations.
  - d. Safety and environmental considerations.
  - e. Laws and regulations.
- E. Applications for certification shall be submitted to the Commission at least five working days before a scheduled examination in order to be processed for that examination.
- F. Certifications shall expire on May 30 of each year. Application for renewal of certification shall be submitted to the Commission on or before May 1 of each year and shall be accompanied by a fee as set forth in R4-29-211.
- G. Applicants may retake failed examination sections without charge as soon as the next scheduled examination if at least one week has passed from the date of taking the failed exam.
- H. An applicant shall pass all sections of the general standards examination and all sections of at least one category or subcategory examination within six months of the date of their application. The file of an applicant who does not satisfy these

requirements shall be considered incomplete and shall be closed. No refunds shall be made for closed files. An applicant whose file has been closed shall reapply as a new applicant.

- I.** An applicator who chooses to broaden the scope of their certification may do so by passing with a score of 70 percent or better all examination sections for the intended category. The fee to broaden the scope of a certification is set forth in R4-29-211. An applicator shall submit to the Commission a notice of intent to test at least five days prior to testing.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-204. Qualifying Party Qualification and Pest Control Advisor License

- A.** Except as permitted by A.R.S. § 32-2314(G), each qualifying party shall be qualified in the classification for which they intend to do business before they can qualify a business of structural pest control. Each pest control advisor shall be licensed in the classification for which they intend to do business before they can engage in a business of structural pest control advisor.
- B.** Each qualifying party and pest control advisor applicant shall hold a valid applicator's certification for each category in which a qualification or pest control advisor license is sought before admission to the qualification or advisor examination.
- C.** Each applicant for the qualifying party qualification shall demonstrate to the Commission, before admission to the qualification examination, evidence of practical experience in the specific classification for which they apply. Practical experience may be demonstrated by actual compensated field work and shall not include sales work. Noncompensated volunteer or research-related field work may be evaluated by the Commission. An applicant who intends to use coursework pursuant to A.R.S. § 32-2314(C)(2)(b) for part of the practical experience requirement shall submit a certified transcript of such work.
- D.** No application for qualifying party qualification or pest control advisor license shall be considered complete and no qualification or license shall be issued until the applicant passes, with a score of 70 percent or better, each section of the core examination and all sections of each category-specific examination required for a classification.
1. The core examination shall test the applicant's knowledge of:
    - a. Arizona and federal laws, rules and regulations governing the business of structural pest control and use and application of pesticides; and
    - b. Safety factors including practical first aid as it applies to the use, application and storage of pesticides.
  2. Category examinations shall test, as applicable, the applicant's category-specific knowledge of:
    - a. Identification of pests and recognition of their damage,
    - b. General knowledge of life cycles and habits as they apply to the control of pests,
    - c. Practical methods of application and control including calibration and dilution calculation,
    - d. Pesticides,
    - e. Laws and regulations.
  3. The Commission may offer examinations for qualification or licensure in the following categories:
    - a. General pest control,
    - b. Vertebrate pest control,
    - c. Wood-destroying pest control,
    - d. Wood products preservation and pest control,

- e. Ornamental horticultural pest control,
- f. Golf course pest management,
- g. Weed control,
- h. Aquatic vertebrate pest control,
- i. Aquatic invertebrate pest control,
- j. Aquatic weed control,
- k. Use of fumigants for pest control.

- E.** An applicant who fails one or more sections of a core or category examination may apply to retake the failed sections. An applicant shall request in writing to retake the failed examination sections and submit a fee as prescribed in R4-29-211 for each examination section requested at least five working days prior to a scheduled examination. An applicant may retake the same failed section only twice. If the applicant does not pass on the third attempt, the applicant's file shall be closed. Applicants whose files have been closed shall reapply as new applicants. An applicant who reapplies within one year of previous Commission approval shall not be required again to receive Commission approval for the same previously approved categories. An applicant shall not reapply sooner than 90 days from the date of file closure.
- F.** An applicant shall pass all sections of the core examination and all sections of each category-specific examination required for a classification within six months of the date of notification of Commission approval for examination. The file of an applicant who does not satisfy these requirements shall be considered incomplete and shall be closed. No refunds shall be made for closed files.
- G.** The file of an applicant whose examination is rejected because of cheating shall be closed and no refund shall be made.
- H.** A person who holds a qualifying party qualification or pest control advisor license may broaden the scope of that qualification or license by submitting the requested information on a new application form, prescribed in R4-29-201(G), provided by the Commission and fees as prescribed by R4-29-211, receiving approval from the Commission to test, and passing all sections of the category examination. An applicant for qualifying party qualification shall also furnish satisfactory proof of category-specific practical experience.
- I.** Licenses and qualifications shall be valid for one year, or portion thereof, and expire on December 31 of each year. Application for renewal shall be submitted to the Commission on or before December 1 of each year and shall be accompanied by a fee as set forth in R4-29-211.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-205. Inactive Qualifying Party Status

- A.** A person who has qualified under A.R.S. § 32-2314 and is currently qualified and not then acting as the qualifying party for a business licensee may apply to the Commission for inactive qualifying party status. An inactive qualifying party shall not act as a qualifying party in the business of structural pest control without first reactivating his qualification.
- B.** A fee shall not be charged for change of status from active to inactive qualifying party provided that the prescribed renewal fees have been paid for the current year. No refund shall be made for current fees already paid. A qualifying party who is registered as an inactive qualifying party and desires to remain inactive shall be charged the qualifying party inactive fee at renewal.
- C.** An inactive qualifying party shall complete an application on a form provided by the Commission, which shall require at least the full name, home address and mailing address of the applicant, the name of the company for which the applicant is qualifying, the classification for which the license is applied and

whether the applicant is certified in the same categories as the license, and submit such application for review and receive Commission approval before reactivating an inactive qualifying party qualification. The full fee for an active qualifying party qualification renewal shall be assessed at the time of application for reactivation of the qualifying party qualification.

- D.** An inactive qualifying party shall present evidence of current certification and continuing education credits prior to reactivation. A qualifying party who cannot present evidence of current certification and continuing education credits before reactivation shall pass, with a score of 70 percent or better, all sections of all applicable examinations currently in use.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### **R4-29-206. Business License, General Provisions**

- A.** Commission approval shall be required for a pest control business license. At least ten days prior to the Commission meeting at which the application will be voted upon, a business license applicant shall submit to the Commission, upon forms provided by the Commission and prescribed in R4-29-201(G), the completed application for the business of structural pest control or the business of pest control advisor, application for the designated qualifying party or pest control advisor, certificate of insurance, and proposed company name.
- B.** Insurance coverage in the name of the business as registered with the Commission shall be in effect at all times during the licensing period. During an interruption in insurance coverage, a company shall terminate all pest control-related activities. A certificate of insurance submitted to the Commission shall include a statement that the insurance company shall notify the Commission in writing at least 30 days prior to cancellation of the insurance and that the policy conforms to the standards set forth in A.R.S. § 32-2313(D) and (E).
- C.** The business license and office and employee registrations shall be renewed annually. Each shall be valid for one year, or portion thereof, and shall expire on December 31 of each year. Application for renewal shall be submitted to the Commission on or before December 1 of each year and shall be accompanied by a fee as set forth in R4-29-211.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### **R4-29-207. Display and Use of License Name and Number**

- A.** Business and branch office licenses issued by the Commission shall be prominently displayed in the place of business. All written proposals and written contracts used by the company shall be printed with the company's name and business license number as registered by the Commission. All treatment receipts and inspection reports shall include the registered business license name and number.
- B.** A licensee shall do business under the name in which the license was issued. In addition to the actual name of the licensed business, a company may use slogans, marks and other names in its business. However, the actual name as registered with the Commission shall be prominently displayed on all written material used in the business and on all advertising, whether written or oral.
- C.** Either the motor vehicle or trailer, when used in conjunction with one another, and on behalf of or by a licensee or licensee's employees in the conduct of pest control, shall be marked on both sides for easy identification, with the company name and business license number as registered with the Commission. The company name and business license number shall be in bold lettering at least two inches high, in distinctly

contrasting color with the background, and shall be in plain view of the public. The vehicle or trailer shall be properly marked as described within 30 days after the issuance of the original business license, a change of business license, or acquisition of vehicle or trailer. Vehicles which are not regularly used for pest control services shall be exempt from this rule. Vehicles which are used for sales or solicitations shall be exempt from this rule.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### **R4-29-208. Qualifying Party or Pest Control Advisor Required for Each Business**

- A.** A person shall not engage in the business of structural pest control unless that business has a designated qualifying party with a valid and active qualification for all classifications in which that business operates, or that business has designated to the Commission a temporary qualifying party. A person shall not engage in the business of pest control advisor unless that business has a designated pest control advisor with a valid pest control advisor license for all classifications in which that business operates.
- B.** The qualifying party or pest control advisor shall supervise the pest control-related business of the company and shall be available to supervise and assist the company's registered employees.
- C.** A qualifying party or pest control advisor shall qualify only one business license at one time.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### **R4-29-209. Branch Office**

- A.** A business licensee shall register each branch office with the Commission by completing a form provided by the Commission and submitting a fee for each branch as prescribed in R4-29-211 before the branch office opens for business. The branch office registration form shall require at least the complete address of the primary office, the business license number, the full name of the qualifying party, the business license and qualifying party license numbers and the complete physical address of the registering branch office.
- B.** Each branch office shall be registered only in the name style as that shown on the license of the registered business, or shall obtain a separate business license and operate as a separate company. A company which wishes to conduct additional business in a name style different from that which is shown on the business license shall obtain a separate business license for each such company.
- C.** All oral and written representations relating to any branch office shall prominently bear the registered business name. Representations shall include, but not be limited to, service vehicle markings, statements, receipts, inspection reports, bids, contracts, and written or oral advertisement.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### **R4-29-210. Expired**

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### **R4-29-211. Schedule of Fees, Payments and Exemption**

- A.** For the purpose of licensure, qualification, certification and registration the following schedule of fees shall apply:

Qualifying party initial application and examination: \$150.00

Qualifying party or pest control advisor examination retake, each section: \$30.00

Qualifying party or pest control advisor broaden scope, each category: \$50.00

Qualifying party renewal fee: \$125.00

Qualifying party change of status, active to inactive: None

Qualifying party change of status, inactive to active: \$125.00

Qualifying party inactive renewal: \$25.00

Temporary qualifying party qualification: \$25.00

Pest control advisor initial application, examination, and pest control advisor license: \$150.00

Pest control advisor license renewal: \$125.00

Business license, initial: \$75.00

Business license, renewal: \$75.00

Branch office registration, initial: \$35.00

Branch office registration, renewal: \$35.00

Certification application and examination: \$30.00

Certification, renewal: \$20.00

Certification, broaden scope of: \$10.00

Employee registration, initial: \$5.00

Employee registration, renewal: \$3.00

Duplicate wall license: \$20.00

Duplicate qualifying party or pest control advisor identification card: \$10.00

Duplicate certification card: \$10.00

Duplicate registration card: \$3.00

Late filing fee, termite action registration form, double the prescribed registration fee.

- B. Payment for all fees shall be made to the order of the Structural Pest Control Commission and may be made by money order, cashier's check, certified check, business check or personal check. Fees paid by business or personal checks shall not be considered paid until cleared for payment by banks. Fees shall not be prorated.
- C. Arizona state pesticide inspectors who only commercially apply pesticides as required by the state agency for whom they are employed shall not be required to pay the qualification, advisor or certification fee. Annual renewal fees shall be waived during the time they serve as state inspectors.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-212. Continuing Education Required for Qualifying Parties, Pest Control Advisors and Applicators

- A. Each qualifying party, pest control advisor or applicator shall submit proof of 12 continuing education credits earned during the preceding two years at the time of their annual renewal. Credits may be reported each year. Credits used to satisfy the requirements of the applicator certification may be used to satisfy the requirements for a qualifying party or pest control advisor. Persons who do not meet the continuing education requirements shall complete current testing requirements prior to renewal of their credential.
- B. Coursework, classes and other forms of instruction shall be reviewed by the advisory accreditation committee and approved by the Commission before qualifying for continuing education credit. To receive approval, instruction shall be substantially related to the license or certificate classification, category or subcategory for which credit is applied.
- C. A qualifying party, pest control advisor or applicator may earn up to one hour of continuing education credit each year for attending regularly scheduled meetings of the Commission.

- D. A qualifying party or pest control advisor may earn up to one hour of credit each year in a business management course which has been approved by the Commission.
- E. Documentation evidencing completed continuing education instruction shall be submitted to the Commission with the application for credential renewal. The qualifying party, pest-control advisor, or certified applicator shall be responsible for maintaining their own records for continuing education credits.
- F. An attendee may request credit for instruction which he has taken and which was not previously approved for accreditation. Each request shall be submitted to the advisory accreditation committee and shall include the information as required in R4-29-213(A)(1) and (2).

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-213. Requirements for Providers of Continuing Education Programs

- A. Providers of continuing education programs shall apply for accreditation on a form provided by the Commission, which shall contain at least the name and address of the provider, the number of continuing education hours requested, the type of instruction to be provided, and the method for evaluating attendees. Each provider shall:
  1. Include the topic of the program in abstract or outline form. Except for a business management program, each program shall be directly related to pest control, management, or pesticide usage, and to the classification, category or subcategory in which credit is sought.
  2. Provide the name and qualifications of the person directly presenting the instruction.
  3. Provide an attendance list.
  4. Issue a certificate of completion to each attendee who successfully completes the program.
- B. The program provider shall notify the Commission of course content or instructor changes for a previously approved continuing education program.
- C. The Commission may accept, modify or reject the recommendation of the advisory accreditation committee. The Commission shall notify the applicant of its decision in writing.
- D. Unless otherwise indicated on the written notice of approval, each in-house training program shall be accredited for two years and all other courses shall be accredited for one year. The program provider shall request renewal in writing prior to the expiration of an accreditation period.
- E. The Commission may evaluate an approved program of instruction to determine its level of effectiveness. The Commission may withdraw approval of a course which fails to meet the requirements outlined in subsection (A) of this rule.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

### ARTICLE 3. PESTICIDE USAGE

#### R4-29-301. Misuse of Any Pesticide; Falsification of Any Pesticide Record

- A. No person shall misuse any pesticide. No person shall use, supervise, or direct the use, including application, storage and disposal of any pesticide in a manner inconsistent with its product label or labeling as registered by the United States Environmental Protection Agency and the Arizona Department of Agriculture unless otherwise prescribed by Commission rule or written order. No person shall apply, cause to apply or cause the direct release of a pesticide spray, dust or granule in such a manner that the pesticide comes into contact with persons (other than those involved in the application and



who are wearing proper protective equipment), animals, or property other than the site and target being treated, unless such release is caused by accident beyond the control of the operator. No person shall use any pesticide in a manner prohibited by A.R.S. Title 32, Chapter 22, and rules adopted pursuant to this Chapter, or a written order of the Commission.

- B. No person shall falsify a record used or maintained in connection with the use, including application, storage and disposal, of pesticides.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-302. Certified Applicator Required

- A. Except as permitted by A.R.S. § 32-2315, each company shall apply or cause to have applied pesticides only by an applicator who has a valid applicator certification or by a qualifying party licensed in the classification of the pesticide being used.
- B. Restricted-use pesticides shall be applied, stored or disposed of only by a person who holds a valid certification in the category or subcategory applicable to the restricted-use pesticide being used, or under the direct supervision of an applicator holding a valid certification in the category or subcategory applicable to the restricted-use pesticide being used.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-303. Direct Supervision of Noncertified Persons Required

- A. Persons who apply pesticides and who are not certified shall work under the direct supervision of a registered and certified applicator or qualifying party who shall be responsible for their pest control activities. The establishment of direct supervision shall not provide relief from the requirement of certification as set forth in A.R.S. § 32-2315(A). An applicator providing supervision for restricted-use pesticides shall be certified in the category or subcategory for which supervision is provided.
- B. The availability of the certified applicator or qualifying party shall be directly related to the hazard of the situation. In situations where the certified applicator is not required to be physically present, direct supervision shall include verifiable instructions to the noncertified person as follows:
  1. Detailed guidance for proper loading, mixing, applying, storing, and disposing of the pesticide;
  2. Detailed guidance for the use of all required safety equipment; and
  3. Provisions for contacting the certified applicator by means of telephone, radio or other immediate communication method in the event that he is needed.
- C. When directed by label or other provision of this Chapter, the actual physical presence of a certified applicator shall be required when application is made by a noncertified person.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-304. Protect Against Contamination

- A. Each company shall protect food, feed and drug commodities and equipment used in the preparation of food, feed and drugs against pesticide contamination. Only pesticides labeled for use in food areas shall be applied to the food areas of food-handling establishments. For applications other than at a food-handling establishment and prior to treatment, exposed food, feed, drugs, and equipment including utensils, household dishes, table service and the like shall be effectively protected against pesticide contamination. Additional safety precautions

or directions as required on the pesticide label or labeling shall be accomplished prior to treatment.

- B. Each person while mixing pesticides with water shall protect the water supply from back-siphonage of pesticide mixture. Spray tanks in which pesticides are mixed or from which pesticides are dispensed and to which water is added shall not be filled through direct fill-pipe or hose connections protruding into the spray tank. Fill-pipes or hoses shall terminate at least two inches above spray tank intake and fill opening or be equipped with an effective anti-siphonage device. When there is a conflict between this rule and local ordinance or labeling directions, the more specific language shall apply.
- C. No person shall operate equipment for the mixing or application of pesticides, including such auxiliary equipment as hoses and metering devices, in such condition or in such a manner as to create a hazard or nontarget contamination.
- D. Except as specifically provided by label instructions, no person shall apply a pesticide which is formulated as granules and which bears the statement "Keep out of reach of children" in a manner which leaves exposed granules on patios, steps, sidewalks, walkways or floors.
- E. Cleanup of chemical spillage shall be made in accordance with product labeling and manufacturer's recommendations and in a manner which minimizes exposure to humans and other non-target organisms. Recommendations of health and medical personnel and local authorities shall be followed for cleanup in which human endangerment is possible.
- F. The business licensee or their representative shall notify the Commission within one business day of becoming aware of any of the following incidents allegedly caused by the use of pesticides:
  1. Medically confirmed illness or death of humans, pets, or nontarget wildlife.
  2. Confirmed contamination of food, feed, drugs or water supply.
  3. Health-threatening contamination of a structure which has resulted in the hospitalization of an occupant or a requirement by medical personnel or local authorities for evacuation of the structure, or contamination of the environment which has resulted in a requirement by local authorities for evacuation of an area.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-305. Written Notification of Treatment Required

- A. Business licensees or their representatives shall provide written notification immediately following an application of pesticide. Such notice shall include the chemical by trade name and any other information as required by the pesticide label or local ordinance and shall be made to the person requesting the treatment or to his designated agent.
- B. A statement of precaution shall accompany each notification of treatment. Each statement of precaution shall be printed conspicuously, in not less than eight point font, and shall include the words:

"Warning--Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated or aerated.

For more information contact [business license name and business license number] at [telephone number]."

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-306. Notice of Intent to Apply Pesticides

- A. For the purpose of monitoring pesticide applications, the Commission, its executive director, their designee, or a Commis-

sion inspector may make written request for advanced notification of scheduled pesticide treatments. The Commission, its executive director, their designee, or a Commission inspector shall identify the date of the requested schedule of treatments and shall allow at least 24 hours for compliance with its request.

- B. The business licensee, commercial applicator or their agent shall provide for review, at the office of the business licensee or applicator or at another mutually agreeable location, a listing of treatments and the locations of such treatments scheduled to be accomplished by at least one applicator within the next 24 hours.
- C. If a person cannot timely comply with a request for a schedule of treatments, the person shall set forth the reasons for non-compliance in writing and immediately notify the Commission, its executive director, their designee, or a Commission inspector. Upon a showing of good cause, the request may be modified or excused.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-307. Make and Preserve Treatment Records

- A. Each company shall make and preserve true and accurate records of treatments performed, including those performed under warranty or guarantee, for a period of not less than three years from the date of a treatment.
- B. Treatment records shall include:
  1. Name and address of the customer and site of application.
  2. Date of service.
  3. Target pest or purpose of service.
  4. Trade name or common name of the materials used.
  5. Percent active ingredient in the finished product.
  6. Amount of finished product used.
  7. Name and certification number of the applicator.
  8. Contract, if applicable.
- C. In the event of an emergency endangering the health or safety of a person, treatment records shall be provided immediately to the Commission, its executive director, their designee, or a Commission inspector, upon their request. In other situations, treatment records shall be made available for inspection and copying by the Commission, its executive director, their designee, or a Commission inspector, with the consent of the qualifying party or applicator or as provided for in R4-29-309.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-308. Restricted-use Records Required

- A. All applications and disposals of restricted-use pesticides by or under the direct supervision of applicators who are certified by the Commission shall be recorded and retained for a period of at least three years whether or not that application or disposal is made while a person is engaged in the business of structural pest control. If these records are maintained by a business licensee, separate records shall not be required from the applicator. Application and disposal records shall be made available for inspection and copying by a representative of the Commission.
- B. Restricted-use pesticide application records shall include all information required by R4-29-307 and:
  1. If different than the customer, the name and address of the person for whom pesticide was applied.
  2. Specific site treated.
  3. Environmental Protection Agency registration number of material used.
- C. If unused portions of restricted use pesticides are disposed, records of such disposal shall include the trade or common

name and Environmental Protection Agency registration number of the pesticide, percent active ingredient of the pesticide in the material disposed, amount of material disposed, method of disposal, date of disposal, and location and type of disposal site or disposal service, and the name and certification number of the applicator in charge of the disposal.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-309. Records Required Within 24 Hours

- A. The Commission, its executive director, their designee, or a Commission inspector may request in writing and within 24 hours of notification, specific records from a business licensee, pest control advisor, qualifying party or applicator at his place of business during normal business hours. The qualifying party, pest control advisor or applicator in charge of an office shall comply with the request and provide such records by the same time of the next business day. The qualifying party, advisor, applicator or qualified designee shall be available to interpret requested records. Business licensees or their representatives may deliver the requested records to the Commission in person, by mail or by facsimile.
- B. "Records" means all records directly related to the business of structural pest control and shall include records of:
  1. Pesticide inventory including quantities of pesticides purchased or otherwise acquired, sold, disposed of, and lost; and quantities of pesticides as classified by general or restricted use, canceled or suspended products, and non-commercial use.
  2. Pesticide application.
  3. Written inspection reports.
  4. Proposals for treatment or alteration.
  5. Contractual agreements for treatments or inspections.
  6. Personnel actions for employees whose duties include the application of pesticides, including dates of hire, registrations, certifications, training and continuing education, and disassociations.
  7. Dates of acquisition of vehicles which are used in the conduct of pest control service.
  8. Insurance as required by A.R.S. § 32-2313.
- C. If a person cannot timely comply with a records request, they shall set forth their reasons for noncompliance in writing and immediately notify the Commission, its executive director, their designee, or a Commission inspector. Upon a showing of good cause, the time to provide such records may be extended or the request for records may be excused.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-310. General Provisions for Pesticide Usage

- A. Only those pesticides registered by both the U. S. Environmental Protection Agency and the Arizona Department of Agriculture shall be used.
- B. An applicator may use application rates as provided by Special Local Need registration and labeling only if such labeling is in the possession of the user at the time of the application.
- C. Licensees and certified applicators shall maintain at the registered business locations specimen copies of labels and material safety data sheets for currently registered pesticides used in their pest control operations. These shall be made available for inspection at the request of the Commission.
- D. Business licensees shall assure that their employees have the protective equipment specified by the pesticide label of the product used. The licensee shall instruct employees to use protective clothing and equipment while engaged in the applica-

tion of pesticides and how to maintain, clean and store such when not in use.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-311. Provisions for Pesticide Storage

- A. All pesticides utilized by a business licensee or applicator shall be stored according to labeling instructions.
- B. All pesticides shall be stored in closed containers free from corrosion, leakage and pesticide contamination. Lost or damaged labels shall be replaced with approved specimen labels and fastened to the container. Damaged containers, other than fumigants, shall be replaced with identically labeled containers or, if not available, properly labeled service containers for temporary storage or transport.
- C. A service container shall be considered to be any container used to hold, store or transport a pesticide concentrate or use-dilution preparation other than the original labeled container, measuring device or application device. Service containers shall be closed when not in use, clean and nonleaking. When service containers are used to temporarily store or transport a pesticide concentrate or registered ready-to-use product, each service container shall bear a durable and legible label or tag which shall include the following information:
  1. The name, address and telephone number of the commercial or noncommercial location using the product.
  2. The common chemical or trade name of the principal active ingredients.
  3. The U. S. Environmental Protection Agency registration number.
  4. The strength of the concentrate or dilution expressed as a percentage of active ingredients.
  5. The signal word for the registered label.
  6. The phrase "KEEP OUT OF REACH OF CHILDREN".
  7. Any other information required by Environmental Protection Agency regulations.

A service container shall not bear other legible wording or markings which are not related to the pesticide product contained therein.

- D. Application equipment from which pesticide preparations are directly discharged and in which pesticides are not stored shall not be subject to labeling requirements.
- E. No pesticide shall be stored in the same room where food, feed, drugs, eating utensils, beverages, or tobacco products are stored. No pesticide shall be stored in containers which have been used for food, feed, beverages, drugs or cosmetics or which are in a significant way, as by shape, size or markings, identified with food, feed beverages, drugs, or cosmetics. No fumigant shall be stored within a human dwelling.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-312. Pesticide Containers; Storage and Disposal

- A. The storage and disposal of pesticide containers shall be in strict accordance with label directions or, in the absence thereof, in a manner recommended by the chemical manufacturer or by local ordinances. When a conflict exists between label and other regulation, the more restrictive language shall apply.
- B. An empty pesticide container which has not been prepared for disposal in accordance with label directions and this rule or a returnable or reusable pesticide container held for shipment shall be stored until disposed or recycled as though it contained pesticide.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-313. Pesticide Storage Facility

- A. Each company shall provide a facility for safe storage of pesticides and devices, and the use of such facility shall not violate laws, ordinances or regulations relating to pesticide storage of the political subdivision where it is located. A designated pesticide storage place on a service vehicle may be included within the meaning of pesticide storage facility.
- B. The facility shall be secure from unauthorized entry and equipped with an entrance or access which shall be locked when unattended. A sign shall be conspicuously posted in the entrance or access area which warns individuals that pesticides are stored inside.
- C. The facility shall provide ventilation to the outside so as to prevent build-up of chemical odors and to preclude chemical injury to persons, domestic animals or wildlife.
- D. In or about the pesticide storage facility, including a location where all pesticides are stored on a service vehicle, the business licensee shall provide:
  1. Adequate lighting to read pesticide labels.
  2. Operational fire extinguisher which is appropriate for the pesticides stored.
  3. First-aid kit.
  4. Emergency medical information including telephone numbers for poison control centers.
  5. Absorbent materials capable of absorbing spills of at least one gallon and leaks.
  6. A specimen label and material safety data sheet for each pesticide stored therein.
  7. Washing facilities which shall include soap, fresh water, and toweling.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-314. Pesticide Storage on Service Vehicles

- A. A locking storage space designed to prevent pesticide containers from becoming damaged while in transit shall be used whenever a pesticide is stored on a service vehicle.
- B. No pesticide product, including a pesticide in portable application equipment such as a spray tank in a truck bed, shall be left in an unattended and accessible manner.
- C. All pesticide products in original containers or service containers and all empty pesticide containers not yet prepared for disposal in accordance with label directions shall be kept locked when in unattended service vehicles or shall be kept within view and under the direct and personal supervision of the employee responsible for that service vehicle. Cases of unopened pesticide products which are sealed in the manufacturer's or distributor's outer coverings and which are transported but are not stored upon a service vehicle are exempt from the requirements of this subsection.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-315. Required on Service Vehicles

The business licensee shall assure that each service vehicle used in the conduct of pest control applications is provided with:

1. Measuring and pouring devices compatible with the pesticides carried thereon.
2. Protective clothing and equipment suitable for the pesticides stored, transported or used on that service vehicle.
3. Absorbent materials capable of absorbing or containing spills of at least one gallon and leaks and equipment to collect and store contaminated absorbent materials.
4. A basic first-aid kit which shall contain information regarding the practical treatment for pesticide poisonings

and emergency medical information including telephone numbers for poison control centers.

5. A specimen label and material safety data sheet for each pesticide transported or stored on the vehicle.
6. A change of clothing for use in the event that the applicator's garments are contaminated while using a pesticide.
7. Potable water for emergency washing of hands, face or body.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-316. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-317. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-318. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-319. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-320. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

### ARTICLE 4. TERMITES AND OTHER WOOD-DESTROYING ORGANISMS

#### R4-29-401. Definitions

For the purpose of this Article:

1. "Bulletin 64" means the United States Department of Agriculture Forest Service, Home and Garden Bulletin 64 as revised February 1989 and incorporated herein by reference and on file with the Office of the Secretary of State.
2. "Calibration or calibrated" means a method of determining the amount of pesticide that will be applied.
3. "Drywood termites" means the several species of termites which can attack dry, sound wood and do not require contact with the soil. These may include representatives of the families Kalotermitidae and Hodotermitidae.
4. "Pretreatment and preconstruction treatment" are considered synonymous and are used interchangeably.
5. "Project" means an individual address or a privately owned or individually owned dwelling.
6. "Post-treatment and post-construction treatment" are considered synonymous and are used interchangeably.
7. "Subterranean termites" means the several species of termites which usually maintain contact with the soil. These may include representatives of the families Rhinotermitidae and Termitidae.

8. "Termiticide" means a chemical registered and used for the control of termites.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-402. Chemicals

Chemicals used for either preconstruction treatments or post-construction treatments shall be currently registered for such use by both the Environmental Protection Agency and the Arizona Department of Agriculture. Applications of termiticide shall be made only in the specific quantities, strengths and dosages as recommended on the product label unless otherwise prescribed by Commission rule or order.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-403. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-404. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-405. Reserved

#### R4-29-406. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

#### R4-29-407. Preconstruction Treatments; Establishment of Barriers; Soil Disturbed; Concrete Poured Prior to Treatment; Effective Date

- A. Horizontal barriers shall be established prior to pouring of all slab construction under roof, slab-supported or constructed porches, patios, garages, carports, and entrance and utility platforms.
- B. Vertical barriers shall be established in critical areas visible at the time of treatment. For the purpose of pretreatment, critical areas shall include critical areas identified by the label and soil in the immediate vicinity of:
  1. Penetrations or protrusions through the slab.
  2. Observable presets for controlled cracks or joints.
  3. Formed-up changes of grade.
  4. Abutting slabs.
  5. Bathtraps and tear-outs.
  6. Interior of foundation or stem walls.
  7. Piers, pillars, pipes or other objects that extend from the soil to the structure.
- C. Unless specifically precluded by label, critical areas shall be treated at a rate of four gallons of chemical preparation per ten linear feet for each foot of depth from the top of the grade to the footer. In the absence of an adjacent footer, depth shall be considered to be one foot.
- D. Vertical barriers at the exterior of foundation walls in stem-wall construction or exterior of grade beam in monolithic construction shall be established after grading and other construction-related soil disturbance has been completed. This treatment shall be a required preventative treatment which may be completed post-construction. A record of this treat-

ment shall be conspicuously posted or left with the property agent. The business licensee shall be responsible for the establishment of this barrier.

- E. If a licensee or their agent is advised that soil or fill which has been treated is disturbed and the continuous chemical barrier is broken before the concrete is poured, the soil shall be retreated to establish a continuous horizontal and vertical chemical barrier. Retreatment shall include all areas of soil disturbance.
- F. A business licensee shall not issue a termite soil treatment guarantee for a site where a cement slab was poured and the soil thereunder was not pretreated until a complete post-construction treatment in accordance with R4-29-410 is rendered.
- G. The effective date of treatment as recorded on a termite soil treatment guarantee issued for residential slab-on-grade construction of one or two units shall be the date of the application of termiticide to the soil beneath the primary slab. In the case of multi-slab construction in which no primary slab is identified, the effective date of treatment is the date of the last application of termiticide prior to pouring the final slab at the project.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-408. Pretreatment Tagging and Records Required

- A. A tag shall be prominently placed and securely affixed at the site of each pretreatment project immediately after completion of the termiticide application. In the event that a pretreatment site must be abandoned before a treatment is complete, a tag representing work accomplished and including all information required in subsection (B) shall be posted and marked "TREATMENT INCOMPLETE". The tag shall be in sight and readily available for inspection after the treatment has been made and, if applicable, the slab has been poured. The tag may be placed upon an onsite contractor's permit or inspection board. If a customer file tag is required by the contractor, a duplicate tag marked "DUPLICATE" may be prepared and posted or delivered to the requestor.
- B. Tags shall contain at a minimum the following information:
  1. Name of business.
  2. Address of business.
  3. Telephone number of business.
  4. Business license number.
  5. Location of project.
  6. Date of application.
  7. Time application was begun.
  8. Time application was completed.
  9. Trade name of chemical used.
  10. Strength of chemical preparation used, written as a percentage of active ingredient.
  11. Number of gallons of chemical preparation applied.
  12. Square footage treated.
  13. Linear footage treated.
  14. Type of slab construction.
  15. Signature of applicator.
  16. Certification number of applicator or written "NONE" if not certified.
- C. The information written on the pretreatment tag shall be an accurate representation of the treatment performed.
- D. Information described in subsection (B)(5) through (16) shall be made part of a company's treatment records. The name of the applicator may be recorded in lieu of the applicator's signature.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-409. Occurrence of Termites After a Pretreatment

- A. If, within five years of the date of the original pretreatment, subterranean termites occur in or on a structure that has been pretreated, retreatment shall be applied in accordance with the specifications on the label of a termiticide available for use.
- B. For residential structures of one or two units, complete treatment of the entire exterior perimeter of the structure shall be rendered upon the third occurrence of subterranean termites on the exterior of a structure in a five-year period from the date of the original pretreatment.
- C. For residential structures of one or two units, complete post-construction treatment as specified in R4-29-410 of the entire structure shall be rendered upon the third occurrence of subterranean termites within the interior of a structure in a five-year period from the date of the original pretreatment.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-410. Post-construction Treatments for Subterranean Termites

- A. Applications of pesticides for post-construction control of subterranean termites shall be made in accordance with specifications of the label of the termiticide used and in a manner to provide an unbroken chemical barrier between the termites in the soil and the cellulose products in the structure. Critical areas shall be treated. Treatment holes shall be spaced to provide a continuous chemical barrier. When drilling and injection is used as a method of application, treatment holes shall be spaced no greater than 24 inches apart except when such application is precluded by label, unique structural feature or application technique.
- B. For the purpose of post-construction treatments, critical areas shall include critical areas identified by the label and soil in accessible or visible areas of:
  1. Penetrations or protrusions through the slab including all plumbing, utility services, and other openings.
  2. Controlled cracks and expansion joints.
  3. Other visible cracks greater than 1/16 inch wide.
  4. Abutments of slabs and of slabs and foundation walls.
  5. Changes of grade including sunken or elevated slab construction.
  6. Interior and exterior of foundation walls except in monolithic slab construction where only the exterior is treated.
  7. Perimeter of interior areas where concrete is not poured.
  8. For raised foundation construction, around piers, pillars, pipes or other objects that extend from the soil to the structure.
- C. In the event that a particular aspect of post-construction termite control is not specifically covered on the chemical labeling, the minimum standards of good and workmanlike post-construction termite control shall be determined by evidence of compliance with these rules and use in accordance with pesticide manufacturers' recommendations, established usage, procedure and acceptable industry practice prevailing in the state when such work was performed.
- D. Holes drilled in construction elements of commonly occupied areas of the structure including unfinished basements, enclosed porches, garages and workshops shall be securely plugged with a nonporous and noncellulose material.

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).

#### R4-29-411. Expired

#### Historical Note

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483,

effective January 31, 2001 (Supp. 01-1).

**R4-29-412. Wood Infestation Reports; General Provisions**

- A. When used in conjunction with a sale or refinancing of a structure, the terms "termite report", "termite inspection" or "wood-destroying organism report" shall be considered synonymous with a wood infestation report.
- B. Wood infestation reports shall be made on the form specified in Appendix A. When required by other state or federal agencies, other wood infestation reports may be completed in addition to, but not in lieu of, the form specified in Appendix A. Within 180 days of the effective date of this rule, each business licensee who prepares wood infestation reports shall adopt and use the form specified in Appendix A.
- C. Wood infestation reports shall be completed and signed by the employee who made the inspection and who is certified in the category of wood-destroying organisms.
- D. Location of evidence of infestation and damage shall be represented on the wood infestation report by a graph or diagram.
- E. The final office copy of a wood infestation report shall be completed and filed at the registered office within seven working days.
- F. The number of the termite action registration reports prepared subsequent to a wood infestation report shall be placed on the office copy of the wood infestation report.
- G. Each wood infestation report prepared shall be consecutively numbered and retained by the company for at least three years. Each wood infestation report shall be filed in consecutive order except that a licensee who chooses to file wood infestation reports other than in consecutive order may do so only if a master list is maintained which shall be sorted by consecutive number and which shall include the date of action and file heading under which the wood infestation report is maintained.
- H. Logos and other statements of advertisement shall not be placed upon the report.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-413. Wood Infestation Reports; Information Required**

- A. A wood infestation report shall accurately list or report:
  1. Name, address, phone number and business license number of the inspecting company. This information may be preprinted.
  2. Date of inspection.
  3. Name of owner, seller or buyer.
  4. Address of inspected property.
  5. Areas of the property which were obstructed or inaccessible at the time of inspection.
  6. Inspected and uninspected structures at a site.
  7. Purpose of the report.
  8. Visible and accessible evidence of past or present infestation from wood-destroying pests or organisms.
  9. Visible and accessible evidence of damage from wood-destroying organisms.
  10. When treatment is indicated, the organisms to be treated, chemicals to be used, and warranty to be issued.
  11. Visible and accessible evidence of previous treatment
  12. Visible conditions conducive including those listed in R4-29-414.
  13. Signature and certification number of person making the inspection.
- B. Inspection may be limited to only those areas which are visible and accessible by probing or sounding at the time of inspection. For the purposes of this rule, visible and accessible shall include that which can be seen or is accessible to physical sounding or probing with inspection instruments such as

screwdrivers, ice picks and knife blades. Inspection shall include attics and crawl spaces which permit entry by the person making the inspection. Inspection may exclude areas concealed or obstructed by floor coverings, wall coverings, paneling, built-in structures such as bookcases, cabinets, appliances, equipment or furniture or portions of the structure to which access would require the removing or marring of finish work or moving of furniture, appliances or equipment.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-414. Wood Infestation Reports; Conditions Conducive**

- A. Conditions conducive shall be considered to be those conditions deemed likely to lead to infestation from wood-destroying pests or organisms.
- B. For purposes of a wood infestation report, these conditions shall include but not be limited to:
  1. Faulty grade level. For construction where slab or floor is on or near grade, the existing earth level shall be considered grade. A faulty grade level shall exist when:
    - a. Top of foundation is even with or below the adjacent earth;
    - b. Bottom of stucco or siding is even with or below outside grade;
    - c. Bottom of joists or stringers is less than 12 inches above grade; or,
    - d. Slope is such that surface water drains toward the structure.
  2. Inaccessible subareas or portions thereof. This shall include areas where there is less than 18 inches clear space between the bottom of the floor joists and the unimproved ground area.
  3. Excessive cellulose debris. This shall include cellulose debris of a size that can be raked, or larger, and forms an aggregate of one cubic foot or more, stumps and wood imbedded in footings and in contact with earth, and firewood and lumber piles within six inches of a structure.
  4. Earth to wood contact. Wood, whether it is internal or external in relation to the structure, and which is attached, affixed or securely abuts the structure and is in contact with the ground shall be considered earth-to-wood contact.
  5. Excessive moisture. Conditions of excessive moisture shall be considered to exist when there is evidence of present or past moisture conditions which would foster the growth of fungus or visible moisture occurs on structural timbers.
  6. Insufficient ventilation. Conditions of insufficient ventilation shall be considered to exist when there is less than one square foot of ventilation opening per 150 square feet of crawl space area, less than one square foot of ventilation opening for every 1,500 square feet of ground area covered by a vapor barrier, less than two areas permitting cross ventilation, or excessive moisture in an area because ventilation through the prescribed openings is not effective.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-415. Supplemental Wood Infestation Reports**

- A. A supplemental wood infestation report may be completed when an inspection is required from the original inspecting company to verify that either a corrective treatment has been performed or conditions previously listed as conducive have been corrected.

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- B. Each supplemental inspection shall be reported on a form of the same style as the original inspection and shall include the original inspection number clearly marked to show that it is now supplemental.
- C. A business licensee may choose to perform a complete inspection and issue an original wood infestation report if the licensee cannot otherwise verify that all corrections have been made.
- D. An inspection made over 30 days after an original inspection date shall require a complete inspection and not a supplemental inspection.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-416. Expired**

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 1483, effective January 31, 2001 (Supp. 01-1).

**R4-29-417. Termite Action Registration Report**

- A. A termite action registration report shall be submitted to the Commission on a form or in a format provided by the Commission for each termite action performed at a project.
- B. A termite action shall mean a completed preventative or initial corrective control method or treatment for any termite species, or a wood infestation report. Post-construction treatments performed under a previously existing warranty and supplemental wood infestation reports shall not be reported.
- C. For the purpose of reporting, a pretreatment shall be considered complete on the date of the application of termiticide to the substrate beneath the primary slab at a project. In the event of multiple-slab establishment at a single project, the completion date may be the date of the last treatment prior to final concrete pour.
- D. For each action involving a pretreatment, the registration form shall be marked to indicate if the exterior barrier has been established.
- E. A separate termite action registration report form shall be filed for the post-construction preventative treatment performed to establish the exterior barrier except as required in R4-29-409(B) or an existing warranty.
- F. Data submitted on the termite action registration report shall include all items listed in A.R.S. § 32-2304(A)(13) and:
  - 1. The business license number of the company which performed the work;
  - 2. The qualifying party or advisor number; and
  - 3. For a wood infestation report: an indication of evidence of infestation, treatment performed, damage present, conditions conducive, and corrective actions taken; or
  - 4. For a post-construction termite treatment: an indication of type of treatment, target organism, chemical used, strength of chemical used as represented by the percentage of active ingredient, and amount of chemical used; or
  - 5. For a preconstruction termite treatment or a post-construction preventative treatment to establish the exterior vertical barrier: the chemical used, strength of chemical used as represented by the percentage of active ingredient, amount of chemical used, and, as applicable, square and linear footage treated.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-418. Termite Action Registration Report Fee**

- A. A filing fee as set forth in A.R.S. § 32-2304(D) shall accompany each completed form for any termite action as described

in R4-29-417(B) except as exempted in subsection (B) of this rule.

- B. Actions which are supplemental to a completed project shall be exempt from a filing fee. A fee shall not be paid for preventative treatments performed by the original pretreating company after a pretreatment for the purpose of establishing an exterior barrier.
- C. Each termite action registration report or fee submitted to the Commission later than 30 days from a completed termite action shall be subject to the late filing fee set forth in R4-29-211.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**ARTICLE 5. HEARINGS AND CONSENT ORDERS**

**R4-29-501. Hearings, Settlement Conferences and Consent Orders**

- A. These rules of practice shall be applicable to hearings before the Commission and its duly appointed hearing officers.
- B. A person may appear on the person's own behalf or be represented by counsel.
- C. Hearings shall be judicial but not formal. The hearing officer shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, and directs the order of proof, and may question the parties and witnesses. Witnesses shall testify under oath or affirmation, and a record of the proceedings shall be made and kept. Each party has the right to cross-examine the witnesses who testify, to inspect documents, and to submit rebuttal evidence.
- D. Attendance at hearings may be compelled. The affixing of the seal of the Commission and the signature of a member of the Commission or executive director or their agent shall be attestation of a subpoena compelling the appearance of a witness or the production of documentary evidence. A party desiring the Commission to issue a subpoena to compel the appearance of a witness at a hearing shall make written application to the executive director. Service of such subpoena shall be made by the party applying for same. Service shall be deemed to be complete at the time actually made.
- E. Service by the Commission of a decision, order, subpoena, notice of hearing, other notice or other process may be made by enclosing the same or a copy thereof in a sealed envelope, addressed to the party served at the last address shown in the Commission records, and mailed by certified mail in the United States Mail, and such service shall be deemed complete when so deposited in the mail.
- F. Service upon an attorney who has appeared on behalf of a party shall constitute service upon such party.
- G. In the event of the failure of a party to appear when requested at a proceeding before the Commission, the Commission or its hearing officer shall be free to conduct the proceeding and to act upon the evidence presented in that party's absence.
- H. Upon the completion of a hearing, the hearing officer shall submit to the Commission the hearing officer's recommended findings of fact, conclusions of law and order. The recommendations of the hearing officer shall be mailed to parties and the Office of the Attorney General. The Commission may adopt, modify, or reject the recommended findings, conclusions or order of the hearing officer. The Commission's decision shall be reduced to writing. A copy of the Commission's findings of fact, conclusions of law and order shall be mailed to the parties and the Office of the Attorney General.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-502. Review or Rehearing of Commission Decisions**

- A.** Except as provided in subsection (G), a party in a contested case before the Commission who is aggrieved by a decision rendered in such case may file with the Commission, not later than 20 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor. For purposes of this subsection a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the person's last known residence or place of business when personal service or delivery cannot otherwise be accomplished.
- B.** A motion for rehearing or review under this rule may be amended at any time before it is ruled upon by the Commission. A response may be filed within ten days after service of such motion by any other party. The Commission may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C.** A rehearing or review of a decision may be granted for any of the following causes materially affecting the moving party's rights:
  - 1. Irregularity in the administrative proceedings of the Commission or of its hearing officer or the prevailing party, or an order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
  - 2. Misconduct of the Commission or its hearing officer or the prevailing party.
  - 3. Accident or surprise which could not have been prevented by ordinary prudence.
  - 4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
  - 5. Excessive or insufficient penalties.
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
  - 7. That the decision is not justified by the evidence or is contrary to law.
- D.** The Commission may affirm or modify the decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E.** Not later than 20 days after a decision is rendered, the Commission may on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on this matter, the Commission may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the order granting such a rehearing or review shall specify the grounds therefor.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within ten days after such service, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days by the Commission for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G.** If in a particular decision the Commission makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace,

health or safety and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Commission's final decisions.

- H.** For purposes of this Section, the terms "contested case" and "party" are defined as provided in A.R.S. § 41-1001.
- I.** To the extent that the provisions of this rule are in conflict with the provisions of any statute providing for rehearing or review of decisions of the Commission, such statutory provisions govern.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-503. Settlement Conferences**

- A.** The Commission may designate one or more staff members to conduct an informal settlement conference, negotiate resolutions between parties, and make recommendations of resolution to the Commission.
- B.** Written notice of settlement conference shall be served on the complainant and, as applicable, on the business licensee, pest control advisor, qualifying party, applicator or registered employee. Notice shall be served personally or by mail to the last address known to the Commission and shall include time and place of the conference and issues to be discussed.
- C.** Parties may be represented by legal counsel.
- D.** Conferences shall be conducted informally. Witnesses shall not be placed under oath. Subpoenas shall not be issued.
- E.** Proceedings of a settlement conference shall not be recorded by recording or stenographic device. A general written record of the proceeding may be made.
- F.** Statements made at a settlement conference shall not be introduced in evidence at a formal hearing unless all parties have consented to such.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).

**R4-29-504. Settlement Conference Consent Orders**

- A.** After a settlement conference the Commission may impose a disciplinary sanction, requirement for remedial action, or penalty by means of a consent order.
- B.** The Commission may choose to accept or reject the agreement reached between agency staff and licensee, advisor, qualifying party, applicator or registered employee.
- C.** After review and approval by the Commission, a consent order shall be prepared in writing and signed by the chairman of the Commission or a designated agent. Each consent order shall include:
  - 1. The general nature of complaint;
  - 2. The specific action to be taken by the licensee, advisor, qualifying party, applicator or registered employee;
  - 3. The penalty, if any; and
  - 4. The time for compliance, if any, for corrective action.
- D.** The consent order shall be executed only upon written acceptance of, as applicable, the business licensee, advisor, qualifying party, applicator or registered employee.

**Historical Note**

Adopted effective December 24, 1992 (Supp. 92-4).



## Structural Pest Control Commission

## Appendix A. Wood Infestation Report Form

<b>STATE OF ARIZONA STRUCTURAL PEST CONTROL COMMISSION WOOD DESTROYING ORGANISM INFORMATION FOR EXISTING INFORMATION</b>		1A. VA CASE NUMBER	2. DATE		
		1B. HUD/VA CASE NUMBER	1E. WIR #		
		1C. <input type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT	1F. TARF #		
		1D. PURPOSE OF REPORT <input type="checkbox"/> REAL ESTATE: <input type="checkbox"/> Sale of Property <input type="checkbox"/> Refinancing <input type="checkbox"/> TREATMENT ONLY: <input type="checkbox"/> Preventative <input type="checkbox"/> Corrective			
IT IS NOT ALWAYS POSSIBLE TO DETECT EVIDENCE OF WOOD-DESTROYING ORGANISM INFESTATION. READ THIS INSPECTION REPORT IN ITS ENTIRETY.					
READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM 1. The VA case number or HUD/FHA case number shall be inserted in item 1 by the lender or pest control company. 2. When treatment is indicated in Item 8C, the organisms treated will be named, the data on application method and chemicals shall be entered in Item 10. Proper control measures may include issuance of warranty. Warranty information should also be entered on this form. Proper control measures are those which follow good acceptable industry practices. 3. If visible evidence is found, organisms causing such evidence will be listed in Item 8A and visible damage resulting from such infestation will be noted in Item 8D. 4. Areas that were inaccessible or obstructed (Item 7) may include, but are not limited to, wall covering, fixed ceiling, floor coverings, furniture or stored articles. The Pest Control Operator (PCO) should list, in Item 7, those obstructions or areas which inhibit the inspection. 5. Item 8A may be checked when the PCO is not authorized to perform control measures by the owner/seller or control measures cannot be performed due to conditions beyond control, e.g. obstructions, weather, etc. 6. Visible evidence of conditions conducive to infestation from subterranean termites shall be reported on the second page of this form (earth-wood contact, faulty grades, insufficient ventilation, etc.).					
3A. NAME OF INSPECTION COMPANY		5A. NAME OF PROPERTY OWNER/SELLER			
3B. ADDRESS OF INSPECTION COMPANY (Include ZIP Code)		5B. ADDRESS OF PROPERTY (Street, City, ZIP)			
3C. TELEPHONE NUMBER (Include Area Code)	4. PEST CONTROL BUSINESS LICENSE NUMBER	5C. STRUCTURE(S) INSPECTED			
5D. UNINSPECTED STRUCTURES					
<b>FINDINGS</b>					
6. WERE ANY AREAS OF THE PROPERTY OBSTRUCTED OR INACCESSIBLE? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, complete Item 7)	7. OBSTRUCTIONS OR INACCESSIBLE AREAS This inspection did not include areas which were obstructed or inaccessible at the time of the inspection. ALSO SEE PAGE 2.				
8. BASED ON CAREFUL VISUAL INSPECTION OF THE READILY ACCESSIBLE AREAS OF THE PROPERTY (See item 11A before completing): <input type="checkbox"/> A. Visible evidence of wood-destroying organisms was observed. No control measures were performed. Evidence and organisms observed _____ <input type="checkbox"/> B. No visible evidence of infestation from wood-destroying organisms was observed. <input type="checkbox"/> C. Visible evidence of infestation was noted; proper control measures were performed. <input type="checkbox"/> D. Visible damage due to: _____ has been observed in the following areas: _____ <input type="checkbox"/> E. Visible evidence of previously treated infestation, which is now inactive, was observed. (Explain in Item 10.) <input type="checkbox"/> F. Visible evidence of previous treatment was observed. List evidence: _____					
9. DAMAGE OBSERVED ABOVE, IF ANY (Check One) <input type="checkbox"/> A. Will be/has been corrected by this company. <input type="checkbox"/> B. Will be corrected by another company (see attached contract). <input type="checkbox"/> C. Will not be corrected by this company. Recommend that damage be evaluated by qualified building expert and that needed repairs be made. <input type="checkbox"/> D. Will not be corrected by this company.		10. ADDITIONAL COMMENTS (ALSO SEE PAGE 2.)			
<b>11. STATEMENT OF PEST CONTROL OPERATOR</b>					
A. The inspection covered the readily accessible areas of the property, including attics and crawl spaces which permit entry. Special attention was given to those areas which experience has shown to be particularly susceptible to attack by wood-destroying organisms. Probing and/or sounding of those areas and other visible accessible wood members showing evidence of infestation was performed. B. The inspection did not include areas which were obstructed or inaccessible at the time of inspection. (See instruction number 4 and item 7 above.) C. This is not a structural damage report. Neither is this a warranty as to the absence of wood-destroying organisms. D. Neither I nor the company for which I am acting have had, presently have, or contemplate having any interest in the property. I do further state that neither I nor the company for which I am acting is associated in any way with any party to this transaction. E. There is always important information on the second page of this form.					
12A. SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE	12 B. TITLE AND CERTIFICATION NUMBER	13. DATE OF INSPECTION			
<b>STATEMENT OF PURCHASER</b>					
<b>I HAVE RECEIVED THE ORIGINAL OR LEGIBLE COPY OF THIS FORM. I HAVE READ PAGE TWO OF THIS FORM.</b>					
14. SIGNATURE OF PURCHASER			15. DATE		
(PAGE 1 OF ____)					

## Structural Pest Control Commission

PROPERTY NAME/ADDRESS						DATE OF INSPECTION																																															
<b>CONDITIONS CONDUCTIVE TO INFESTATION</b> <b>Wood-to-Earth Contact</b> ..... <input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, check appropriate conditions): <input type="checkbox"/> Fence Abutting Structure <input type="checkbox"/> Pier Posts in Crawl <input type="checkbox"/> Concrete Form Boards in Crawl <input type="checkbox"/> Porch Stairs <input type="checkbox"/> Porch Post <input type="checkbox"/> Trellis(es) Other: _____ <b>Excessive Cellulose Debris</b> ..... <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Faulty Grades</b> ..... <input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, check appropriate conditions): <input type="checkbox"/> Slope; surface water tends to drain toward house <input type="checkbox"/> Floor level at or below grade <input type="checkbox"/> Wood siding or stucco at or below grade <input type="checkbox"/> Joists in crawl space less than 12" above grade Other: _____ <b>Excessive Moisture</b> ..... <input type="checkbox"/> YES <input type="checkbox"/> NO (If YES, check appropriate conditions): <input type="checkbox"/> Water Leak--Shower <input type="checkbox"/> Insufficient Ventilation-Attic <input type="checkbox"/> Water Leak--Roof <input type="checkbox"/> Insufficient Ventilation-Crawl <input type="checkbox"/> Water Leak--Crawl Space Other: _____						<b>INACCESSIBLE AREAS</b> <table style="width: 100%; border: none;"> <tr> <th style="text-align: left; width: 50%;">AREA</th> <th style="text-align: left; width: 50%;">REASON</th> </tr> <tr><td><input type="checkbox"/> Attic--All</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Attic--Joints</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Plumbing Trap</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Attic--Partial</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Floors</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Wall Interiors</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Enclosed Stairwell</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Dropped Ceiling</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Sub Area--Clearance</td><td>_____</td></tr> <tr><td><input type="checkbox"/> Sub Area--Access</td><td>_____</td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"><input type="checkbox"/> Other (Specify where and why.): _____</td></tr> <tr><td colspan="2">_____</td></tr> <tr><td colspan="2">_____</td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"><input type="checkbox"/> Areas obstructed by furniture and/or stored articles: _____</td></tr> <tr><td colspan="2">_____</td></tr> <tr><td colspan="2">_____</td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"><input type="checkbox"/> Other: _____</td></tr> <tr><td colspan="2">_____</td></tr> <tr><td colspan="2">_____</td></tr> </table>		AREA	REASON	<input type="checkbox"/> Attic--All	_____	<input type="checkbox"/> Attic--Joints	_____	<input type="checkbox"/> Plumbing Trap	_____	<input type="checkbox"/> Attic--Partial	_____	<input type="checkbox"/> Floors	_____	<input type="checkbox"/> Wall Interiors	_____	<input type="checkbox"/> Enclosed Stairwell	_____	<input type="checkbox"/> Dropped Ceiling	_____	<input type="checkbox"/> Sub Area--Clearance	_____	<input type="checkbox"/> Sub Area--Access	_____	 		<input type="checkbox"/> Other (Specify where and why.): _____		_____		_____		 		<input type="checkbox"/> Areas obstructed by furniture and/or stored articles: _____		_____		_____		 		<input type="checkbox"/> Other: _____		_____		_____	
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<b>EVIDENCE OF PREVIOUS TREATMENT</b> <input type="checkbox"/> <b>BY ANOTHER COMPANY:</b> While evidence of previous treatment does exist, it is impossible for the inspecting company to ascertain if such treatment was properly performed. Further investigation is left to the Buyer's discretion to determine if such treatment was done properly and if valid guarantee exists against the target pest of such treatment. <input type="checkbox"/> <b>BY THE INSPECTING COMPANY:</b> Previous treatment is recorded for this property. At the buyer's discretion, the treatment records may be viewed at the inspecting company's local office. Account Number: _____ Date of Treatment: _____ Target Pest: _____ Expiration Date: _____ OTHER: _____																																																					
YES	CODE	SEE DIAGRAM BELOW	YES	CODE	SEE DIAGRAM BELOW	YES	CODE	SEE DIAGRAM BELOW	YES	CODE	SEE DIAGRAM BELOW																																										
		S--SUBTERRANEAN TERMITES			B--BEETLES--OTHER WOOD PESTS			Z--DAMPWOOD TERMITES			EM--EXCESSIVE MOISTURE																																										
		K--DRY WOOD TERMITES			FG--FAULTY GRADE LEVELS			SL--SHOWER LEAKS			IA--INACCESSIBLE AREAS																																										
		F--FUNGUS OR DRY ROT			EC--EARTH-WOOD CONTACTS			CD--CELLULOSE DEBRIS			FI--FURTHER INSPECTION RECOM.																																										

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## Historical Note

Adopted effective December 24, 1992 (Supp. 92-4).